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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,001	08/29/2003	Barry Sandrew	LF-P0004	2000
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DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037				
			EXAMINER KAU, STEVEN Y	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,001

Applicant(s)

SANDREW, BARRY

Examiner

Steven Kau

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. This action is responsive to the following communication: an Amendment filed on November 5, 2007.

- Claims 12-14 have been canceled and therefore, the rejection of claims 12-14 under 35 U.S.C. § 112 Second Paragraph has been withdrawn.
- Claims 1-11 are currently pending.
- Applicant's arguments filed on November 5, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to Claim 1, recites, "In a computer system, a method of enhancing an image comprising: selecting at least one base color function for a region of an image; selecting at least one injection color function for said region; associating a first luminance value and a first luminance range with said at least one base color function; associating a second luminance value and a second luminance range with said at least

one injection color function; selecting at least one pattern function for said at least one injection color function; and, applying said at least one injection color function using said at least one pattern function mixed with said at least one base color function to said region of said image for each luminance value within said region" (emphasis added).

Applicant does not disclose what are the base color function(s), injection color function(s) and what do these functions perform; and what are the range limits of "first luminance range" and "second luminance value" in the disclosure. It is unclear what does applicant refer to "selecting at least one injection color function for said region", "selecting at least one injection color function for said region" and how large or small the "luminance range" in his claim for patentability protection.

Claims 2-11 are dependent claims to Claim 1 and are rejected for the same reasons discussed above.

In light of the disclosure, the examiner interprets "base color function" as defined base color, or primary color, or additive color like Red, Green and Blue color, etc.; "injection color function" as another defined base color, or subtractive color like Cyan, Magenta, yellow and black color, etc.; and "luminance range" as any reasonable luminance value range in the application prosecution.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sandrew (US 5,534,915).

Regarding claim 1.

Sandrew '915 discloses a method of enhancing an image comprising: selecting at least one base color function for a region of an image (Fig. 1, col 3, lines 19-23); selecting at least one injection color function for said region (col 3, lines 45-61); associating a first luminance value and a first luminance range with said at least one base color function (col 3, lines 19-26); associating a second luminance value and a second luminance range with said at least one injection color function (Fig. 2, col 4, lines 33-41); selecting at least one pattern function (i.e. key frame or a look-up table) for said at least one injection color function (col 1, lines 24-53, col 2, lines 26-35 and col 3, lines 29-37); and, applying said at least one injection color function using said at least one pattern function mixed (e.g. multiblending) with said at least one base color function to said region of said image for each luminance value within said region (Fig. 10, col 3, lines 18 through col 4, line 40 and col 5, lines 23-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandrew (US 5,534,915) in view of Prater (US 5,867,169)

Regarding claim 2.

Sandrew '915 differs from claim 2, in that he does not expressly disclose wherein selecting an arithmetic mode for said at least one injection color function.

Prater '168 teaches that selecting an arithmetic mode for said at least one injection color function {e.g. complement of one of the primary colors} (col 3, lines 51-62 and col 18, lines 14-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include selecting an arithmetic mode for said at least one injection color function taught by Prater '168 to provide user to select the appropriate color (col 6, lines 21-44).

Regarding claim 3.

Sandrew '915 differs from claim 3, in that he does not expressly disclose wherein said arithmetic mode is set to pass unaltered said at least one injection color function.

Prater teaches that said arithmetic mode is set to pass unaltered said at least one injection color function (col 5, lines 43-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include said arithmetic mode is

set to pass unaltered said at least one injection color function taught by Prater '168 to provide user to select the appropriate color (col 6, lines 21-44).

Regarding claim 3.

Sandrew '915 differs from claim 3, in that he does not expressly disclose wherein said arithmetic mode is set to yield a color complement of said at least one injection color function at said second luminance value.

Prater teaches that said arithmetic mode is set to yield a color complement of said at least one injection color function at said second luminance value (col 5, lines 43-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include said arithmetic mode is set to yield a color complement of said at least one injection color function at said second luminance value taught by Prater '168 to provide user to select the appropriate color (col 6, lines 21-44).

8. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandrew (US 5,534,915) in view of Hamburg (US 7,136,075).

Regarding claim 5.

Sandrew '915 differs from claim 3, in that he does not expressly disclose wherein selecting an alpha function for said at least one injection color function.

Hamburg '075 teaches selecting an alpha function for said at least one injection color function {e.g. opacity} (Figure 2, Table 2, col 7, lines 21-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include selecting an alpha function for said at least one injection color function taught by Hamburg '075 to determine proper opacity for compositing graphic elements (col 3, lines 35-67 & col 1, lines 1-17).

Regarding to claims 6, 7 & 8.

Sandrew '915 differs from the claims, in that he does not teach said alpha function.

Hamburg teaches that said alpha function returns a constant (col 1, lines 29-35); said alpha function returns a random value within a range (col 1, lines 29-35), and said alpha function returns a random value outside a range (Figure 2, col 8, lines 29-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include said alpha function returns a constant; returns a random value within a range, and returns a random value outside a range taught by Hamburg to determine proper opacity for compositing graphic elements (col 3, lines 35-67 & col 1, lines 1-17).

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandrew (US 5,534,915) in view of Knoll (US 6,606,166).

With regard to claims 9, 10 & 11, Sandrew '915 differs from the claims, in that he does not teach said pattern function returns an assertion for injection that is random.

Knoll '166 teaches that said pattern function returns an assertion for injection that is random {e.g. the number of candidate colors generated for each target pixel can vary; and the system can select one of the candidate color independent of the target pixel location, such as randomly} (col 7, lines 42-51); said pattern function returns an assertion for injection that repeats a pattern (col 4, lines 5-17), and said pattern function returns an assertion for injection that utilizes a texture map (Figure 4, col 4, lines 38-54).


Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sandrew '915 to include said pattern function returns an assertion for injection that is random; said pattern function returns an assertion for injection that repeats a pattern and said pattern function returns an assertion for injection that utilizes a texture map taught by Knoll '166 to allow target palette to have arbitrary structure and to avoid neighborhood effects of other target pixels (col 1, lines 64-67 & col 2, lines 1-10).

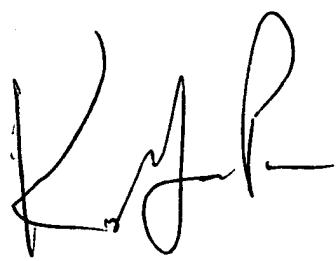
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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